

THE BAY AREA PARTNERSHIP

Partnership Technical Advisory Committee

Monday, March 17, 2003 – 1:30 p.m. – 3:00 p.m.

Auditorium, MTC
101 8th Street, Oakland, CA

AGENDA

1. Introductions
2. Minutes of February 18, 2003 PTAC Meeting*
3. Report of February Joint Finance Working Group (Kline/Watry)

Discussion Items

4. Legislative Update (Long)*
Discussion of state legislation introduced this session.
5. State Budget and CTC Report (Steinhauser)
Report on March 12th special CTC meeting, including CTC allocation policies and refined STIP and TCRP cashflow detail.
6. Bay Area Congestion Management System (Klein)*
In 1994, the Partnership developed an approach to the federally required congestion management system (CMS). MTC staff seeks discussion by P-TAC on the draft 2003 CMS update, which highlights existing and upcoming activities to improve mobility.
7. Congestion Management Plan Updates (Knepper)*
Staff will highlight issues to be addressed in CMP guidelines. Congestion Management Plans are required by the state to demonstrate consistency between the Regional Transportation Plan and county plans. The plans are updated every two years.

Information Items

8. Other Business
Next meeting – April 21, 2003
* Agenda Items attached.

Contact Alix Bockelman at 510.464.7850 if you have questions about this agenda.

Public Comment: The public is encouraged to comment on agenda items at committee meetings by completing a request-to-speak card (available from staff) and passing it to the committee secretary or chairperson. Public comment may be limited by any of the procedures set forth in Section 3.09 of MTC's Procedures Manual (Resolution No. 1058, Revised) if, in the chair's judgment, it is necessary to maintain the orderly flow of business.

Record of Meeting: MTC meetings are taped recorded. Copies of recordings are available at nominal charge, or recordings may be listened to at MTC offices by appointment.

Sign Language Interpreter or Reader: If requested three (3) working days in advance, sign language interpreter or reader will be provided; for information on getting written materials in alternate formats call 510/464-7787.

Transit Access to the Metro Center: BART to Lake Merritt Station. AC Transit buses: #11 from Piedmont; #59 or 59A from Montclair; #62 from East or West Oakland; #35X from Alameda; #36X from Hayward.

Parking at the MetroCenter: Metered parking is available on the street. No public parking is provided at the MetroCenter. Spaces reserved for Commissioners are for the use of their stickered vehicles only; all other vehicles will be towed away.

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1. Introductions
Paul Maxwell requested introductions.
2. Minutes of January, 2002 PTAC Meeting
The minutes were approved without comment.
3. Report of Joint Finance Working Group
Geoff Kline reported on the Project Delivery and Monitoring portion of the Finance Working Group. A Task Force is scheduled to meet on February 19th to discuss project deadlines and steps for project delivery.

Geoff was elected chair of the Joint Working group. This group discussed the current budget situation, pending legislation.

Duncan Watry was elected chair of the Transit Finance group. Marcella Rensi reported that the Transit group continued the discussion about the Transit Capital Priorities. Alix Bockelman reported that the group also discussed the transition from having seven UAs to the current 12 UAs. There was also a discussion about breaking out the Transit Finance group so they would have enough time to cover the items on their agenda.

DISCUSSION ITEMS

4. Statewide Car-Sharing (Jake Smith, Caltrans)
Jake Smith (Caltrans Statewide Coordinator) gave a presentation on the statewide car-sharing program. The California Transportation Commission approved \$3.6 million in ITIP funding for this project last fall. Jake reviewed program objectives and requirements, the application process, and project schedule. Jake noted that applications in the Bay Area would need the concurrence of MTC before being compared to other projects submitted in the state. The deadline for application submittal is April 7th.

There were several questions posed including whether project sponsors had to be non-profit. Jake Smith said that the sponsors should be a public entity such as a Regional Transportation Planning Agency, transit operator, city, or county. The vendors could be for-profit or non-profit and will be selected at a later date through an RFP process once the project scope and locations are finalized. Another question was related to allowing multiple projects in the same region. Jake noted that it was possible to have multiple projects in one region if they scored well as compared to other statewide candidates.
5. Legislative Update with Emphasis on the State Budget
Rebecca Long (MTC) reported on the current budget situation. The current year proposals – including Traffic Congestion Relief Program (TCRP) loan deferrals and elimination of the remaining streets and roads payments – are being debated in the Assembly and Senate with There is a stalemate on the budget because of disagreement between lawmakers and Governor over the vehicle license fees. Rebecca suggested that the members go to the Legislative Analyst Office's (LAO) website (<http://www.lao.ca.gov>) for the LAO analysis of the FY 2003-04 state budget.

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Paul Maxwell asked about the slipping allocations of the Regional Transportation Improvement Program (RTIP) and TCRP projects. Rebecca suggested that this situation might force the legislature to address cash flow needs with other funding alternatives. In the meantime, the CTC is moving forward on developing prioritization principles and an allocation plan. This will be discussed in more detail at a special meeting of the CTC on March 12th. In addition, the Los Angeles MTA has suggested using RVEE bonds against future federal obligation authority to address cash flow. This tool would advance federal funds using a form of grant anticipation debt, pay for completed Advance Construction (AC) projects thereby reducing the AC balance and creating unrestricted state cash.

Alix reported that FY 2002-03 enacted federal funds, which flow into the STIP, were higher than estimated in the State Budget, perhaps providing a little relief in the bleak state funding picture.

6. TEA 3 Programming – Policy Discussion for First Cycle

Ross McKeown presented the policies for programming first cycle reauthorization funds. The policies will be presented to the Programming and Allocations Committee of MTC in March. He noted a change in the formula from what was being called the 1, 2, 3 policy to the now roughly 1.4, 1.6, 3 policy. In other words, the first cycle will program an estimated 1.4 years of STP/CMAQ funding and the second cycle will program an estimated 1.6 years of programming. The second cycle is proposed for delay until after the release of the 2005 RTP. Most of the first cycle funds will be used to keep existing programming commitments moving – roughly \$110 million of the projected \$140 million will be used to cover TEA-21 projects that could not move forward because of the lack of sufficient obligational authority.

Ross was asked why we were still paying for ISTEA projects. He clarified that all ISTEA projects had been delivered but that the practice of programming to apportionments rather than obligational authority (OA) over the last 12 years of ISTEA and TEA-21 had resulted in a shortage of OA as TEA-21 draws to a close.

The group expressed their desire for Ross to report to the Programming and Allocations Committee that MTC should reduce their call for “off the top” funding for regional projects given the dearth of funding availability in the region.

7. FY 2003-04 Fund Estimate

Alix Bockelman (MTC) reported that the FY 2003-04 Fund Estimate would be presented to PAC on February 19th and to the Commission next week. The Fund Estimate contains projections for TDA, STA and Toll Revenues (Regional Measure 1 and AB 664). She reported reductions of various sizes to some of the revenue sources because of continued economic sluggishness and state budget crises.

MTC has conducted workshops with the County Auditors in an effort to improve the accuracy of the TDA fund estimates. Per state statute, the MTC must rely on County Auditor estimates for the Fund Estimate. Regionally, the revisions to the current year estimates were lower than projected in February of last year. In addition, the FY 2003-04 estimates reflect only a minor increase of 2% regionally over the current year revised estimates.

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The anticipated increase of 40% in the STA funds associated with Proposition 42 is not included in the Fund Estimate because the Governor has proposed suspending Proposition 42 to address the current state budget crisis. Instead, the state budget includes only \$100 million statewide for FY 2003-04, which is roughly \$2 million more than in the current year. There is a significant impact on the Regional Express Bus and Transit Coordination Program associated with this unavailability of Proposition 42. The Prop. 42 funds were identified specifically to address the Regional Express Bus subsidy needs. The use of CMAQ funds is being explored as a temporary stopgap measures. In addition, a \$3.9 million shortfall exists for the Transit Coordination Program this year because of the proposed suspension of Prop. 42. MTC is working with the affected operators to address this shortfall.

Alix was asked if MTC plans to change its policy for regional express bus subsidies. She responded that there is no current plan to change the policy; instead the use of an alternative fund source is being explored.

Information Items

8. 2005 RTP Schedule and Proposed Outreach Plan

Doug Kimsey (MTC) reported schedule and proposed outreach for the 2005 Regional Transportation Plan (RTP). Originally, the plan was going to be referred to as the 2004 RTP, but will be called the 2005 RTP because it will be adopted in March 2005. He reviewed the information in the meeting packets sent out to members. MTC plans on more outreach meetings and will lengthen the public comment period to allow for input from the public and other transportation agencies. To accomplish this objective, there will need to be consensus reached on some of the regional issues by the end of this year. There was discussion about the merits of separating the regional and local discussions and the appropriate sequencing of each.

Paul Maxwell requested that MTC consider alternative methods of doing the fund estimates that might increase the funding capacity for planning. He believed that other MPOs in the state and country were more liberal about their estimates or at least estimated a likely amount anticipated even if not yet part of current law. Doug replied that the fund estimate process would likely continue to be conservative, but that the concept of a 'blueprint' type amount might be considered.

9. Project Performance Measures in the 2004 RTP

Lisa Kline (MTC) announced that MTC will use Performance Measures to evaluate projects for the 2005 RTP. MTC will adopt measures by July 1, 2003. A task force meets monthly and will make recommendations to the Commission in June 2003.

One major effort will be to identify corridor objectives. MTC is requesting feedback from sponsors and individuals to aid in developing the objectives. Lisa said that everyone is welcome to attend the monthly meetings which are held every third Tuesday of the month.

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10. FY 2004 President's Federal Budget Proposal

Alix reported on the approved FY 2003 Federal appropriations conference bill. She said that Congress enacted a bill with an obligation limit of \$31.8 billion (less .6%) for transportation. This is consistent with the last year's funding levels. On the transit side, \$7.2 billion was made available for FTA programs. The amount for transit is consistent with the authorized level. Alix was asked how long it would be until the President signs the legislation. She responded that she did not know, but would send something out the group upon signature.

Alix also reported on the FY 2004 Administration Budget proposal. There was keen interest in the proposal in what it might suggest about the administration's reauthorization position. Overall, the structure and flexibility of TEA-21 was proposed to continue but the funding levels were disappointing in that they did not represent any increase as compared to FY 2003. On the highway side, the proposed obligation limit was \$29.3 billion and on the transit side the amount was \$7.2 billion. The budget does propose to recapture the 2.5-cent tax on ethanol that had been directed to the general fund.

Other provisions in the proposal included an increase in New Starts funding of 25% as compared to FY 2003 and an increase in the required match from 20% to 50%. It was also proposed fund New Starts from the general fund account rather than the Mass Transit Account of the Highway Trust Fund. The increased funding for New Starts is proposed by reducing eliminating the Bus and Bus Discretionary Program and transferring the funds to New Starts.

11. Other Business

Next Meeting

Wednesday, March 17, 2003

MetroCenter, Room 171

1:30 p.m. – 3:30 p.m.



METROPOLITAN
TRANSPORTATION
COMMISSION

LEGISLATIVE HISTORY

2003-2004 State and Federal Legislative Session

February 25, 2003

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Joseph P. Bort MetroCenter
101 Eighth Street
Oakland, CA 94607-4700

Telephone: 510.464.7700
TDD/TYY: 510.464.7769
Fax: 510.464.7848
Web site: www.mtc.ca.gov

State Assembly Bills

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AB 114	Nakano	Hybrid Vehicle Access to Carpool Lanes						1
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AB 198	Nation	Toll Bridges and Highways: Payment Device						1
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AB 437	Matthews	Inter-Regional Partnership Program: State Pilot Project						2

MTC – Metropolitan Transportation Commission
CSAC – California State Association of Counties

ABAG – Association of Bay Area Governments
LCC – League of California Cities

BAAQMD – Bay Area Air Quality Management District

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For details of important milestones during the 2003 sessions of the California Legislature and the U.S. Congress, please refer to calendars on pages 11-12.

If you have questions about this history, please contact Rebecca Long at 510/464-7889. If you would like to submit a change to the mailing list, please contact Linda Walls at 510/464-7813 or e-mail: lwalls@mtc.ca.gov. MTC's Legislative History is also available for review on our website at www.mtc.ca.gov/whats_happening/legislative_update/luindex.htm

State Assembly Bills	Subject	Status	MTC Position
AB 33 (Samuelian) San Joaquin Valley Project Acceleration Program	Establishes a demonstration program for the accelerated processing of state highway projects located in the San Joaquin Valley counties of San Joaquin, Madera, Merced, Fresno and Kern that meet specified criteria. Establishes a coordinated environmental review process for eligible projects in that region. (Introduced 12/02/02)	Assembly Transportation Committee	
AB 45 (Simitian) Cell Phone Restrictions	Makes it an infraction to drive a motor vehicle while using a wireless telephone unless that telephone is designed and configured to allow hands-free operation and is used in that manner while driving. (Introduced 12/02/02)	Assembly Transportation Committee	
AB 98 (Koretz) Public Transit Worker Meal and Rest Breaks	Requires the Industrial Welfare Commission to adopt or amend working condition orders on or before July 1, 2004 to provide that an employee of a public agency who operates a commercial motor vehicle is subject to the same regulations regarding meal periods and rest periods as employees of a private employer engaged in the same occupation. (Introduced 1/9/03)	Assembly Labor and Employment Committee	
AB 114 (Nakano) Hybrid Vehicle Access to Carpool Lanes	Authorizes a hybrid vehicle to be operated in a carpool lane regardless of the number of occupants in the vehicle. (Introduced 1/14/03)	Assembly Transportation Committee	
AB 139 (Corbett) Transportation Needs Assessment	Declares the intent of the Legislature that a statewide transportation needs assessment be conducted every 5 years. (Introduced 1/17/03)	Assembly	
AB 198 (Nation) Toll Bridges and Highways: Payment Device	Prohibits Caltrans or any other transportation agency operating a toll bridge from selling or sharing the actual driving patterns of a motorist who uses an electronic toll payment device to drive through a toll bridge, toll lane, or toll highway. (Introduced 1/27/03)	Assembly	

State Assembly Bills	Subject	Status	MTC Position
AB 204 (Nation) \$4 Registration Fee: Coastal Conservancy Clean Water Fund	Authorizes the State Coastal Conservancy to establish the Transportation Fund for Clean Water Subaccount for the nine Bay Area counties and to request the DMV to collect a fee of up to \$4 upon the registration or registration renewal of every motor vehicle registered in a participating county if at least 3 eligible counties elect to participate. (Introduced 2/20/03)	Assembly	
AB 231 (Steinberg) CalWORKs: Exemption of Motor Vehicle Value	Adds to resource exemptions applicable to the CalWORKs program a motor vehicle exemption; applies rules governing the resource value of a motor vehicles under the CalWORKs program to the Food Stamp Program; requires each county welfare department, to the extent allowable under federal law, to provide transitional food stamp benefits to households terminating their participation in the CalWORKs program for a period of 5 months. (Introduced 1/30/02)	Assembly	
AB 420 (Longville) Congestion Management Program: Welfare-to-Work Transportation Programs	Existing law requires that a congestion management program be developed, adopted, and updated biennially for each county that includes an urbanized area. Under existing law, the program is required to contain certain elements, including a travel demand element that promotes alternative transportation methods such as carpools, vanpools, transit, bicycles, and park-and-ride lots. This bill would include county welfare-to-work transportation programs among the alternative transportation methods included within the congestion management program. (Introduced 2/18/03)	Assembly	
AB 427 (Longville) Local Transportation Sales Tax: Removal of 20-Year Limit	Deletes the 20-year limit on the duration of a local transportation sales tax and instead provides that the tax shall remain in effect for the period of time specified in the tax ordinance that is adopted by the transportation authority and approved by the voters. (Introduced 2/14/03)	Assembly	
AB 437 (Matthews) Inter-Regional Partnership State Pilot Project	Existing law establishes the Inter-Regional Partnership (IRP) as a state-supported pilot project, monitored by the state Department of Housing and Community Development, to test and evaluate a variety of policies and incentives designed to mitigate current and future imbalances of jobs and housing in the counties of Alameda, Contra Costa, Santa Clara, San Joaquin, and Stanislaus. This bill deletes provisions that the IRP have no fiscal impact	Assembly	

State Assembly Bills	Subject	Status	MTC Position
	on any local jurisdiction and instead requires that local jurisdictions within the		
AB 443 (Matthews) Rural Transit System Grant Program	<p>five IRP counties and a Jobs-Housing Opportunity Zone that participate in the pilot project be given priority eligibility in the award of state competitive grants and other economic incentives for projects within the IRP pilot project area. (Introduced 2/14/03)</p> <p>Subject to a budget appropriation, this bill requires Caltrans and the California Transportation Commission to establish a Rural Transit System Grant Program to purchase, construct, and rehabilitate transit facilities, vehicles, and equipment, including energy efficiency retrofits, and to purchase rights-of-way for transit systems. Requires Caltrans to submit a report describing the projects funded under the program to the Legislature on or before June 30, 2004. (Introduced 2/14/03)</p>	Assembly	
AB 463 (Oropeza) Transit Facilities: Infill Housing	<p>Declares legislative intent to enact legislation to develop an incentive-based strategy to encourage the construction of infill housing and commercial and retail development within opportunity zones and to provide local governments with transportation funding incentives to reward the approval and construction of housing and other developments that are at or near transit facilities. (Introduced 2/14/03)</p>	Assembly	
AB 467 (Dutra) Transit Operators: Ticket Machines	<p>Declares the intent of the Legislature that each transit operator using automated ticket machines should provide at least one ticket machine that is accessible to blind and other visually impaired persons at each station or location of that operator that is equipped with ticket machines. (Introduced 2/14/03)</p>	Assembly	

State Assembly Bills	Subject	Status	MTC Position
AB 574 (Yee) San Francisco Vehicle Registration Fee: Local Streets and Highways	Authorizes the City and County of San Francisco Board of Supervisors by ordinance or resolution to require a fee in an amount to be established by the Board of Supervisors to be paid at the time of registration or renewal of registration of every vehicle registered to an address within the city and county. Requires the Department of Motor Vehicles to distribute the revenues derived from the fee to the city and county, after deducting all costs incurred pursuant to these provisions. Requires that money allocated to the city and county under these provisions be expended only to fund programs for the construction, improvement, and maintenance of local streets and highways in the City and County of San Francisco. (Introduced 2/18/03)	Assembly	
AB 594 (Leno) Creation of Bicycle Lanes: CEQA Exemption AB 646 (Mullin) Local Agencies: Revenue Sharing AB 684 (Dutra) Public Transit Smart Cards AB 721 (Matthews) Urban Growth Boundaries: Smart Growth	Exempts from California Environmental Quality Act (CEQA) a project that creates a bicycle lane upon an existing unimproved shoulder by reducing the number of vehicle lanes on the roadway or by removing on-street parking for motor vehicles. (Introduced 2/18/03) Requires that cities and counties that adopt regional tax revenue-sharing agreements, including contracts that apportion sales tax generated by automobile dealerships or big box retailers, be given priority eligibility by all state agencies in the awarding of competitive state infrastructure funds. (Introduced 2/19/03) Requires all publicly owned transit operators who choose to implement a smart card system, as defined, to comply with specified requirements. Requires Caltrans and the transit agencies who choose to implement the smart card system to establish a committee of smart card systems managers. Requires the department to submit a report to the Legislature not later than January 1, 2006, and annually thereafter, describing the progress toward implementing a statewide interoperable smart card system. (Introduced 2/19/03) Requires the land use element and diagram of a general plan to include an urban growth boundary that indicates the area to which the city or county intends to extend urban services over the next 20 years. Requires the land use element to include policies that, among other things, encourage urban growth within this boundary and requires that the boundary be consistent with the	Assembly Assembly Assembly Assembly	

State Assembly Bills	Subject	Status	MTC Position
<p>Growth</p> <p>AB 723 (Matthews)</p> <p>Jobs-Housing Opportunity Zones</p>	<p>objectives of the State Comprehensive Plan. (Introduced 2/19/03)</p> <p>Authorizes counties and cities to create infrastructure financing districts in jobs-housing opportunity zones, as defined, to finance public capital facilities in the five-county interregional partnership area of northern California for the purpose of mitigating current and future imbalances of jobs and housing in the counties of Alameda, Contra Costa, Santa Clara, San Joaquin, and Stanislaus. (Introduced 2/19/03)</p>	<p>Assembly</p>	

State Assembly Bills	Subject	Status	MTC Position
AB 822 (Matthews) Redevelopment: Jobs/Housing Balance	Authorizes a redevelopment agency, consistent with the authority granted pursuant to the Community Redevelopment Law, to use tax-increment financing to finance projects near transit jointly in cooperation with other public agencies that are authorized to undertake transit oriented development projects, and projects designed to address jobs-housing imbalances in cooperation with an Inter-Regional Partnership designed to improve the balance of housing and jobs. (Introduced 2/20/03)	Assembly	
AB 829 (Salinas) Regional Planning: San Francisco Bay Area	Declares legislative intent that regional planning efforts in the San Francisco Bay Area shall, among other things, be supported through consensus of local jurisdictions, recognize, preserve, and support local land use and transportation policies, be compatible with local land use general plans, encourage local jurisdictions to implement local and regional smart growth objectives through positive incentives, rather than penalties, and be appointed by local jurisdictions to provide equitable and proportional representation in decision-making. (Introduced 2/20/03)	Assembly	
AB 875 (Wyland) Fuel Tax & Sales Tax on Gasoline: Return to Source Allocation Formula; Restriction of Expenditures to Highway Construction	Requires all fuel tax revenues deposited in the Highway Users Tax Account to be apportioned proportionally to each county in which the revenues were generated and to be used solely for freeway construction purposes, effective January 1, 2004. Further requires all revenues deposited in the Transportation Investment Fund (pursuant to Proposition 42) available for transportation capital improvement purposes to be apportioned proportionally to each county in which the revenues were generated and to be used solely for freeway construction purposes. (Introduced 2/20/03)	Assembly	
AB 1004 (Leslie) Public Transit Operators: Service Cuts	Requires a public transit operator before approving a service reduction or route restructuring of bus service greater than 3% of total revenue miles or a fare increase for budget deficit purposes, to conduct a third party competitive procurement process for a route that the operator determines will minimize all, or a portion of, the planned service reduction. (Introduced 2/20/03)	Assembly	

State Assembly Bills	Subject	Status	MTC Position
AB 1011 (Richman) California Twenty-First Century Infrastructure Investment Fund	Assembly Constitutional Amendment No. 11, subject to approval of the voters at the March 2, 2004, statewide election, establishes the California Twenty-First Century Infrastructure Investment Fund in the State Treasury. The measure requires that beginning in the 2006-07 fiscal year, a specified percentage of revenues shall be transferred from the General Fund to the infrastructure fund according to a specified schedule. This bill sets forth specified calculation and distribution formulas for funds transferred from the General Fund to the infrastructure fund pursuant to those provisions. (Introduced 2/20/03)	Assembly	
AB 1279 (Horton) HOV Lanes: Transportation Planning Agency Authority	Authorizes a transportation planning agency to design and implement a high-occupancy vehicle (HOV) lane concept that authorizes single occupant vehicles to operate in underutilized HOV lanes on the state highway system within the jurisdiction of the transportation planning agency. (Introduced 2/21/03)	Assembly	
AB 1409 (Wolk) Bus Length Limitation: Bike Racks	Removes current prohibition against folding bicycle racks on 45-foot commuter buses, and makes the treatment of these buses consistent with 40- and 60-foot buses. (Introduced 2/21/03)	Assembly	
AB 1487 (Levine) Sales and Use Tax: Infrastructure Projects	Declares the Legislature's intent to enact legislation that would utilize sales taxes to fund state infrastructure projects. (Introduced 2/21/03)	Assembly	
AB 1500 (Diaz & Pavley) Petroleum Pollution Cleanup and Prevention Act	Establishes the Petroleum Pollution Cleanup and Prevention Act of 2003 to require the operator of every refinery to pay a \$1 fee per barrel of crude oil received at a refinery within the state to the Board of Equalization on a monthly basis based on the number of barrels of crude oil received during the previous month. Requires that 15% of revenues from the fee be allocated to the Petroleum Pollution Remediation Account and 85% to the Petroleum Pollution Prevention and Clean Transportation Account, both of which would be established by the bill. Further requires that 90% of the funds allocated to the	Assembly	

State Assembly Bills	Subject	Status	MTC Position
	Transportation Account be expended by Caltrans for projects relating to		
ACA 7 (Dutra) Local Transportation Sales Taxes: 55% Vote	public and alternative transportation and projects designed to improve clean, alternatively fueled public transportation infrastructure. (Introduced 2/21/03) Amends the State Constitution to authorize a county, city and county, or a regional transportation agency to impose an additional sales and use tax for a period of 20 to 30 years at a rate of 0.5% exclusively for transportation purposes if the tax is approved by 55% of the voters of the jurisdiction voting on the tax. (Introduced 1/14/03)	Assembly	Support and Seek Amendments
ACA 9 (Levine) Special Tax: Majority Vote Threshold	The California Constitution conditions approval of a general tax by a city or county upon approval of a majority of voters, whereas the imposition of a special tax by a city or county must be approved by two-thirds of voters. This measure would switch these voter-approval requirements to authorize a city, county, or special district, to impose a special tax by a majority approval, while a general tax would require two-thirds approval. (Introduced 2/6/03)	Assembly	
ACR 39 (Chan) San Francisco-Oakland Bay Bridge Bicycle Path	Designates the bicycle-pedestrian path on the San Francisco-Oakland Bay Bridge as the Alexander Zuckermann Bicycle-Pedestrian Path. (Introduced 2/18/03)	Assembly	

State Senate Bills	Subject	Status	MTC Position
<p>SB 7X (Committee) Transportation Finance: Traffic Congestion Relief Fund Refinancing</p> <p>SB 12a (Committee) Vehicle License Fees</p> <p>SB 91 (Florez) High Speed Rail Authority</p> <p>SB 114 (Torlakson) Relocation of Retailers</p> <p>SB 158 (Alarcon) Displaced Public Transit Employees</p> <p>SB 170 (Torlakson) San Francisco Bay Area Infrastructure Planning</p>	<p>Authorizes a loan to the General Fund from the Traffic Congestion Relief Fund through legislation other than the annual Budget Act. Provides that the balance of funds in the Aeronautics Account credited to airport subaccounts may be transferred to the General Fund, upon appropriation by the Legislature. (Amended 1/30/03)</p> <p>Abolishes the Special Reserve Fund for Vehicle License Fee Tax Relief. Transfers any remaining moneys in the fund to the General Fund from which would be paid the rebate portion of the offsets applied against vehicle license fees due before July 1, 2001. (Introduced 1/27/03)</p> <p>Transfers all of the duties and responsibilities of Caltrans relative to intercity rail passenger service to the High-Speed Rail Authority. Requires the authority to conduct a review of all programmed intercity rail projects that have not received an allocation of state funds as of January 1, 2004 and only to proceed with the implementation of projects that are determined to be complementary to the high-speed rail service. (Introduced 1/28/03)</p> <p>Eliminates the authority of a redevelopment agency or local agency to provide any form of financial assistance to an automobile dealership or big box retailer that is relocating from the territorial jurisdiction of one community to the territorial jurisdiction of another community but within the same market area. (Introduced 2/03/03)</p> <p>Establishes a bidding preference for public transit service contractors and subcontractors who agree to retain certain employees who were employed to perform essentially the same services by the previous contractor or contractor. Provides that contractors or subcontractors who agree to retain employees under the bill's provisions must offer employment to those employees except for reasonable cause. (Introduced 2/12/03)</p> <p>Declares the Legislature's intent that cities, counties and regional agencies in the San Francisco Bay Area begin a constructive dialogue regarding how to deal with infrastructure challenges resulting from anticipated increases in population. (Introduced 2/12/03)</p>	<p>Assembly Budget Committee</p> <p>Assembly Budget Committee</p> <p>Senate</p> <p>Senate</p> <p>Senate</p> <p>Senate</p>	

State Senate Bills	Subject	Status	MTC Position
SB 234 (Oller) Access to Carpool Lanes for Vehicles with Disability Placard	This bill would require Caltrans to grant access to carpool lanes or ramps to vehicles that display a distinctive license plate or placard issued to a disabled person regardless of the number of occupants in the vehicle. (Introduced 2/14/03)	Senate	
SB 321 (Torlakson) Infrastructure Investment Bonds	Establishes the Infrastructure Investment Bond Commission (made up of the Treasurer, the Controller, the Secretary of the Business, Transportation and Housing Agency, and one appointee each of the Governor, the President pro Tempore of the Senate, and the Speaker of the Assembly) to issue and administer bonds to support local infrastructure investment. Provides that priority shall be given to support infrastructure investment for cities, counties, or other local government agencies that provide matching funds generated through local transportation sales tax expenditure plans or other revenue sources. (Introduced 2/19/03)	Senate	
SB 541 (Torlakson) Motor Vehicle Fuel Tax Increase	Requires the Motor Vehicle Fuel Tax be adjusted for inflation beginning in 2004. Imposes an additional excise tax per gallon in the amount necessary to replace any suspended transfers of revenue to the Transportation Investment Fund or reductions from the Traffic Congestion Relief Fund. (Introduced 2/20/03)	Senate	
SB 585 (Soto) Freight Movement Bond Act	This bill would declare the intent of the Legislature to enact a general obligation bond measure for submission to the voters for their approval in order to provide funding to facilitate freight movement including, but not limited to, construction of railroad-highway grade separations and addition of truck lanes on highways. (Introduced 2/20/03)	Senate	
SB 795 (Karnette) Motorist Aid Program	Authorizes a service authority established for freeway emergencies to use its funding for purposes of a motorist aid program that includes services in addition to the call box program, such as freeway service patrol and incident management activities. (Introduced 2/21/03)	Senate	

State Senate Bills	Subject	Status	MTC Position
<p>SB 825 (Torlakson) Bicycle/Pedestrian Funding</p> <p>SB 915 (Perata) San Francisco Bay Area Water Transit Authority</p> <p>SB 916 (Perata) Bridge Toll Increase: State-Owned Bay Area Bridges</p> <p>SCA 2 (Torlakson) Local Transportation Taxes: Majority Vote</p>	<p>Creates the Pedestrian and Bicyclist Mobility and Safety Fund in the State Treasury. Declares legislative intent to promote safer conditions for pedestrians and bicyclists and to encourage more Californians to participate in physical activities such as bicycling and walking. (Introduced 2/21/03)</p> <p>Deletes the existing requirements that (1) the Water Transit Authority's (WTA) plan be statutorily approved by the Legislature prior to operation of a water transit system, and (2) that WTA be funded through the annual Budget Act. Provides that WTA shall be funded from proposed increases in bridge tolls (see SB 916) and other state, local, regional, or federal funds that are available to transit agencies. Revises other provisions relating to safety of vessel operations and air quality standards of vessels operated by the authority. Requires MTC to consider the recommendations of the authority in programming certain transportation funds, and as such, constitutes a mandate. (Introduced 2/21/03)</p> <p>Requires the City and County of San Francisco and Alameda, Contra Costa, Marin, San Mateo, Santa Clara and Solano Counties to conduct a special election in March 2004 on a proposed increase of \$1 in the amount of the base toll rate charged on the state-owned toll bridges in that area. Makes technical changes to existing statute to clarify the role of the Bay Area Toll Authority. (Introduced 2/21/03)</p> <p>Amends the State Constitution to authorize a county, city and county, or a regional transportation agency, with approval of a majority of its voters voting on the proposition, to impose a special tax that it is otherwise authorized to impose, if the tax is imposed exclusively to fund transportation projects and services and smart growth planning. Requires that at least 25% of the revenues be used for the purposes of smart growth planning. (Introduced 12/02/02)</p>	<p>Senate</p> <p>Senate</p> <p>Senate</p> <p>Senate Committee on Constitutional Amendments</p>	<p></p> <p></p> <p></p> <p>Support and Seek Amendments</p>

State Senate Bills	Subject	Status	MTC Position
SCA 7 (Murray) Loans of Transportation Revenues	Requires that any loan of motor vehicle fuel revenue or funds from the Public Transportation Account must be repaid within the fiscal year of the loan, or must be repaid in full, with interest at the rate of the Pooled Money Investment Account, within three fiscal years from the date of the loan and one of the following has occurred: the Governor has declared a state of emergency or General Fund revenues for the current fiscal are projected to be lower than for the previous fiscal year when adjusted for inflation. (Introduced 2/19/03)	Senate	

California Legislature
2003-04 Regular Session Calendar

<p>January 2003</p> <p>1 Statutes take effect</p> <p>6 Legislature reconvenes</p> <p>10 Budget must be submitted by Governor</p> <p>18 Last Day for policy committees to hear and report to fiscal committees fiscal bills introduced in their house in 2001</p> <p>24 Last day to submit bill requests to the Office of Legislative Counsel</p>	<p>July</p> <p>11 Last day for policy committees to meet and report bills</p> <p>15 Summer recess begins at the end of this day's session if budget bill has been enacted</p>
<p>February</p> <p>21 Last day to introduce bills</p>	<p>August</p> <p>18 Legislature reconvenes</p> <p>29 Last day for fiscal committees to meet and report bills to the floor</p>
<p>April</p> <p>10 Spring Recess begins at end of this day's session</p> <p>21 Legislature reconvenes</p>	<p>September</p> <p>1- Floor session only. No committees other than committee on rules or conference committees may meet for any purpose</p> <p>12</p> <p>5 Last day to amend bills on the floor</p> <p>12 Interim study recess begins at the end of this day's session</p>
<p>May</p> <p>2 Last day for policy committees to hear and report fiscal bills to fiscal committees introduced in their house</p> <p>9 Last day for policy committees to hear and report non-fiscal bills introduced in their house to the floor</p> <p>23 Last day for fiscal committees to hear and report to the Floor bills introduced in their house</p> <p>30 Last day for policy committees to meet prior to June 9</p>	<p>October</p> <p>12 Last day for Governor to sign or veto bills passed by the Legislature on or before September 12 and in his possession on or after September 12</p>
<p>June</p> <p>6 Last day for bills to be passed out of the house of origin</p> <p>9 Committee meetings may resume</p> <p>15 Budget must be passed by midnight</p>	<p>January 2004</p> <p>1 Statutes take effect</p> <p>5 Legislature reconvenes</p>

108th United States Congress
2003 Session Calendar

<p>January</p> <p>7 Senate and House convene</p> <p>20 Senate and House recess for Martin Luther King, Jr. Day</p> <p>27 Senate and House reconvene</p> <p>28 State of the Union address</p>	<p>July</p> <p>28-</p> <p>Sept. 2 Summer District Work Period</p>
<p>February</p> <p>12 Lincoln's Birthday</p> <p>17-21 Presidents' Day Recess</p>	<p>August</p>
<p>March</p>	<p>September</p> <p>1 Labor Day</p> <p>27 Rosh Hashanah Holiday</p>
<p>April</p> <p>14-25 Spring District Work Period</p> <p>17 Passover</p> <p>20 Easter</p>	<p>October</p> <p>1 New fiscal year</p> <p>3 House and Senate target adjournment date</p> <p>6 Yom Kippur</p> <p>13 Columbus Day Holiday</p>
<p>May</p> <p>26-30 House and Senate Memorial Day Recess/District Work Period</p>	<p>November</p> <p>4 Election Day</p> <p>11 Veterans Day Holiday</p> <p>27 Thanksgiving Holiday</p>
<p>June</p> <p>30- Independence Day District Work Period</p> <p>July 4</p>	<p>December</p> <p>20 Hanukkah Holiday</p> <p>25 Christmas Holiday</p>



**METROPOLITAN
TRANSPORTATION
COMMISSION**

Joseph P. Bort MetroCenter
101 Eighth Street
Oakland, CA 94607-0700
Tel: 510.464.7700
TDD/TTY: 510.464.7769
Fax: 510.461.7848

Memorandum

TO: Partnership Technical Advisory Committee

DATE: March 17, 2003

FR: Lisa Klein

W.I.:

RE: Bay Area Congestion Management System 2003 Update

Under Federal regulations, MTC is required to prepare a congestion management system (CMS) for the Bay Area. Since inaugurating the region's CMS in 1994, the Partnership's approach has been to recognize that existing planning processes form the foundation of the region's efforts to improve mobility and manage congestion. These include the RTP, county congestion management plans, short range transit plans and major corridor studies among other planning activities. Beyond this, each CMS update identifies focus tasks for the coming year as a way to highlight specific activities that address mobility and congestion management and track their developments over time.

MTC staff recently updated the CMS by updating the accomplishments for each of the focus tasks from previous years and identifying a new set of focus tasks for 2003. The draft 2003 Congestion Management System Update is attached for your review and comment. We intend to take the 2003 CMS update to MTC's Planning and Operations Committee in April.

2003 Congestion Management System Update

DRAFT

Metropolitan Transportation Commission
101 Eighth Street
Oakland, CA 94607

March 4, 2003

I) Background

ISTEA Requirements for a CMS

The requirements for development of a Congestion Management System (CMS) were established by the federal Intermodal Surface Transportation Efficiency Act of 1991. The CMS requirements challenge regions to develop performance based planning processes that are based on collaboration among transportation interests.

The National Highway System (NHS) Bill of 1995 placed the implementation of CMS and the other ISTEA management systems at the discretion of the states. However, subsequent amendments to the metropolitan planning rules and management and monitoring system regulations clearly specify that the planning process in transportation management areas (TMAs), metropolitan areas with population greater than 200,000, is still required to include a CMS. (Sections 23 CFR 450.320 and 23 CFR 500.105 as amended December 19, 1997 and April 1, 1997 respectively) Thus, the CMS requirement still applies to the Bay Area. In addition, the NHS revisions did not affect the original provisions that Federal funds may not be programmed in a carbon monoxide and/or ozone non-attainment TMA for any highway project that will result in a significant increase in single-occupant-vehicle capacity unless the project is based on an approved CMS. (Section 23 CFR 450.320 (b) and 23 USC 134 (l)) The deadline for compliance under the revised regulations was October 1, 1997.

The Partnership Approach

Though the NHS Bill generated a brief period of uncertainty about the nature of the CMS requirement in the Bay Area, the region's approach and commitment have remained consistent since MTC first developed an approach in cooperation with the Bay Area Partnership in 1994. Our strategy was to begin by recognizing the diverse efforts already in place to address congestion management and mobility in the regional, county-wide, and local transportation planning processes in the Bay Area. Rather than create a new system, we built on this existing foundation and focused on improving our tool kit to manage the Bay Area's Metropolitan Transportation System.

The Bay Area workplan for CMS began with a review of federal CMS requirements in relation to existing and developing regional, county-wide, and local transportation planning processes. The Regional Transportation Plan, using the congestion management programs and the short range transit plans as major building blocks, is the unifying process and document for transportation planning in the region. The State Implementation Plan, airport and seaport plans, corridor studies, major investment study process, and Metropolitan Transportation System (MTS) Management Strategy supplement the RTP to form the foundation of activities supporting the Bay Area's CMS. The matrix in Appendix A illustrates this framework.

Focus Tasks

The Partners' approach is based on focus tasks so as to direct our efforts to achievable results and address areas where our work can be strengthened. CMS focus tasks are projects and studies arising from diverse, established activities addressing congestion management and mobility in the regional framework illustrated in Appendix A. Several of the focus tasks rely on the efforts of multiple Partner agencies. This report reviews the focus tasks from previous years and identifies new focus tasks for 2003.

Periodic Update

In order to learn from our successes, as well as our failures, an update is prepared periodically to provide an overview of the CMS efforts, evaluate the previous focus tasks, and define new focus tasks for the year to come. This report represents the fifth update since the establishment of the Bay Area CMS. Section 2 summarizes accomplishments from the 1994-95, 1996-97, 1998, 1999 and 2001-2001 focus tasks. Section 3 identifies focus tasks for 2003.

II) Status Report on Previous CMS Focus Tasks

The major accomplishments for the focus tasks in each of the previous CMS updates are listed below. The list of accomplishments for each of the past focus tasks has been updated to reflect developments since the last CMS update. For a full description of the past focus tasks, see the Congestion Management System Update for that year.

1994-95 Focus Tasks

<u>Focus Task (1994-95)</u>	<u>Accomplishments</u>
1) <u>Develop MIS implementation procedures</u>	“Regional criteria for screening pipeline projects for MIS requirements.” (Dec. 1994) “Regional MIS Process and Procedures.” (May 1996)
2) <u>Performance Measures: Explore user oriented performance indicators for evaluating projects and investment alternatives</u>	David Jones study of regional performance Indicators. (June 1995) Summary of Bay Area Performance Measures. (Nov. 1995) Continued in later years
3) <u>Improve coordination of data documentation, integration, and travel demand models</u>	“Data Integration Project Catalog.” (Mar. 1996) “Data Integration Project Issues.” (Aug. 1996) “Regional Model Coordination Study.” (Dec. 1995)
4) <u>MTS Management Strategy: Develop a Partnership approach toward corridor and operational strategies</u>	Phase 1 of Management Strategy, including 8 corridor management workshops. (May 1995) Specific efforts addressed in later focus tasks.
5) <u>Traveler Information: Improve transportation information services to users</u>	Initiated efforts to get TOS freeway sensors working reliably to provide information to TravInfo®. TOS functionality continues to be limited. See items related to 511 and TOS in future focus tasks. Began with TRANSTAR data bases in 1994-1995. Transitioned to web-based Take Transit Trip Planner. (2001-2002) Take Transit Trip Planner will include all Bay Area operators by summer 2003.
6) <u>Evaluate the effectiveness of the Freeway Service Patrol</u>	Final report issued (summer 1995)

1996-97 Focus Tasks

<u>Focus Task (1996-97)</u>	<u>Accomplishments</u>
1) <u>Performance Measures for the Metropolitan Transportation System (MTS)</u> : Identify customer-oriented performance measures and appropriate uses for them at the regional level.	Developed MTS performance measures. (spring 1997) Developed a pilot project to field-test methods for collecting travel time. (Dec. 1997) Continued in later years.
2) <u>Regional Arterial Program</u> : Promote implementation of programs that improve operation of the region's arterial street network: 1) RTSOP program provides funding to jurisdictions to implement capital programs, especially multi-jurisdictional & new technology projects; 2) TETAP program provides technical assistance to local jurisdictions lacking expertise in operations improvements.	Over 92 RTSOP projects funded (1993-1997) and over 170 TETAP projects funded. (2003) RTSOP rolled into TETAP (1998). Identified 14 arterial management strategies. (fall 1997) Developed prototype MTS Arterial Inventory Database to track inventory of signal equipment. (spring 2000 – summer 2002) Implemented Concept of Operations Requirement for multi-jurisdictional signal projects. (fall 1999)
3) <u>Carquinez Bridge Reconstruction/Operations</u> : Ensure that plans to reconstruct the westbound span and the subsequent operations plans are consistent with the region's commitment to transit and HOV operations as well as the larger framework for management of the I-80 corridor.	Final Environmental Impact Statement issued. (Jan. 1998) Construction of the new bridge, which will accommodate one HOV lane and three mixed-flow lanes westbound on I-80, began in January 2000. The new bridge will open to traffic in Oct. 2003.
4) <u>Electronic Toll Collection (ETC)</u> : Balance the ETC efficiency objectives with gateway functions of toll plazas and with the region's commitment to an HOV program.	ETC operational on all lanes on Carquinez Bridge. (1998) HOV bypass included to preserve travel time advantage over SOV. (Aug. 1997) ETC operational in at least one lane of every toll bridge. (Dec. 2000) Installation completed in all toll lanes. (Oct. 2001)
5) <u>HOV Plan and Support Programs</u> : Meet MTC requirements to define a strategy for assessing, operating, improving, and expanding the regional HOV system.	HOV Master Plan Update adopted (Nov. 1997) I-580 HOV lanes converted to mixed flow per HOV Plan recommendation. (1999) 350 HOV lane miles in operation (Jan. 2003) up from 270 HOV lane miles in 1997. 2003 HOV Mast Plan Update underway. (See 2003 focus tasks.

Focus Task (1996-97)	Accomplishments
6) <u>Regional Strategy for Transportation Demand Management Programs (Regional Rideshare Program)</u> : Coordinate TDM/ridesharing activities and focus on the most effective programs.	<p>MTC assumed responsibility for Regional Rideshare Program. (FY 1995-96)</p> <p>Secured commitment to fund ridesharing services – approx. \$22 million in State (STIP) and local funding through FY 2003-04. (1997)</p> <p>Entered into a 5-year contract for Regional Rideshare Program Services and increased advisory role of CMAs and the BAAQMD (2000)</p> <p>Launched new online ridematching system.(Dec. 2002)</p> <p>Formed Technical Advisory Committee (CMAs, BAAQMD, and TDM practitioners) to assist in developing 3-year Strategic Plan for the program based on performance audit. (early 2003)</p>
7) <u>Emergency Response Program</u> : Develop a formal plan for coordinated regional response among transportation agencies following a major earthquake.	<p>Developed Trans Response Plan defining responsibilities and procedures for implementing a comprehensive transportation response. (Fall 1997)</p> <p>Assisted Caltrans and transit operators in developing agency Emergency Operating Plans. (1998)</p> <p>Held regionwide functional exercises with Caltrans, transit operators, airports and county operational areas annually (1998-2002).</p>

1998 Focus Tasks

<u>Focus Task (1998)</u>	<u>Accomplishments</u>
1) <u>MTS Performance Measures</u> : explore methods for collecting travel time data	Conducted study of data collection methods. (March 1999) Continued in later focus tasks.
2) <u>Support I-80 corridor operational analysis</u> in relation to the opening of the HOV/express bus lane (MTS Management Strategy)	Completed 6-month report on HOV lane performance. (July 1998) Completed I-80 HOV Lane and Transit and Ridesharing Service and Monitoring Plan. (August 1998)
3) <u>Support Alameda County I-880 corridor operational analysis</u> (MTS Management Strategy)	Analysis completed. (1999) Ramp meters along I- 880 in Alameda County turned on between 1996 and 1999.
4) <u>Support San Mateo 101 corridor operational analysis</u> (MTS Management Strategy)	Analysis completed. (March 1999)
5) <u>Facilitate corridor management teamU</u> (MTS Management Strategy)	Partners completed 17 sketch level corridor management plans to identify potential projects for STP/CMAQ funding targeted toward system management. (Nov. 1998)
6) <u>Evaluate effectiveness of MTS operational investments</u> (MTS Management Strategy)	Before-and-after study completed for El Camino signal interconnect. (July 1998) Completed evaluation plan for Silicon Valley Smart Corridor project. (April 1998) Continued in later focus tasks.
7) <u>I-680 (Sunol Grade) Phase 2 MIS</u>	Final report completed. (May 2001) Follow-up Value Pricing Study to be complete in Spring 2003 when usage of the carpool lane is compared with the travel forecasts.
8) <u>Field integration work on TOS loop detector monitoring stations</u>	TravInfo® installed non-intrusive surveillance units to demonstrate feasibility as alternative to loop detectors. These devices brought into the TMC. (1999) Using in-house staff and contractors, Caltrans increased number of monitoring stations on-line to 600 in late 2000, and began additional focused effort in 2003.

1999 Focus Tasks

<u>Focus Task (1999)</u>	<u>Accomplishments</u>
1) <u>MTS Performance Measures</u>	Implementation on hold in 1999. See 2001-2002 focus tasks.
2) Traveler Information: design, operate and maintain TravInfo® system	See 511 Traveler information in 2001-02 focus tasks.
3) <u>Develop Regional ITS Architecture</u> : The architecture will help identify needs, ensure compatibility of ITS systems, and guide regional ITS investments	See 2001-2002 focus tasks.
4) <u>Conduct Route 24/Caldecott Tunnel Corridor Study</u> : Major investment study exploring alternatives to increase capacity for the reverse peak commute	Completed study. (2001) Caltrans began work on the EIR/EIS for fourth bore. (Nov. 2002)
5) <u>Facilitate corridor management teams</u> (MTS Management Strategy)	Supported efforts of 5 freeway-arterial Smart Corridor teams to secure funds, retain consultant assistance.
6) <u>Support development of Concept of Operations Reports for arterial signal projects</u> (MTS Management Strategy)	Using TETAP funds, prepared Concepts of Operations for 8 corridor management projects. (1999)
7) <u>Evaluate effectiveness of MTS operational investments</u> (MTS Management Strategy)	Completed before and after evaluations of I-880 ramp metering. (fall 2000) Silicon Valley SMART corridor Evaluation performed by FHWA. (2000) El Camino Interconnect final 'after study' schedule. (spring 2001)

2001-2002 Focus Tasks

<u>Focus Task (2001-2002)</u>	<u>Accomplishments</u>
1) <u>MTS Performance Measures: Develop performance monitoring program and use performance measurement in the RTP</u>	Conducted system-level performance analysis for the 2001 RTP. (Aug. 2001) Develop first regional state of the system report with information on performance of the existing transportation system. (Dec. 2002) This report will be updated annually. See 2003 focus tasks.
2) <u>Develop Regional ITS Architecture and Strategic Deployment/Integration Plan</u>	Completed the Phase 1 draft report on State of ITS in the Bay Area. (Nov. 2002) Report includes inventory and assessment of current and planned ITS projects, identifies issues and opportunities for technical assistance, and presents recommendations for Phase 2. The final Phase 1 report is due March 2003. Following consultation with regional ITS stakeholders, Phase 2 will develop the Strategic Deployment/Integration Plan and the Regional ITS Architecture. These documents will serve as input to the 2004 RTP.
3) <u>Address near term staffing needs for the TOS/TMC (MTS Management Strategy)</u>	Identified need for 20 additional positions in 2000. Attempts to secure funds through budget change order and state budget earmark unsuccessful in 2001 and 2002.
4) <u>Freeway Management Concept of Operations (MTS Management Strategy)</u>	MTC, CHP and Caltrans developed Concept of Operations. (October 2000 - July 2002) These agencies are implementing the Action Plan.
5) <u>Regional Express Bus Program</u>	\$40 Million allocated by CTC. 81 of 92 buses delivered to operator. (summer 2002) Express services begun by CCCTA, Tri-Delta and LAVTA. (2002-early 2003)
6) <u>San Francisco Bay Crossings Study</u>	Final Report complete. (July 2002) Feasibility Study of reversible lane of San Mateo-Hayward Bridge initiated. (fall 2002) Project under consideration for funding from toll increase proposed by State Senator Don Peralta. See 2003 focus tasks.

Focus Task (2001-2002)

Accomplishments

7) 511 Traveler Information

Launched 511 traveler information telephone system. (fall 2002)
Launched companion 511.org website. (fall 2002)
Began planning for implementation of anonymous implement toll tag reader system to collect travel time data for 511. Implementation planned in 2003.

III) Development of the 2003 Focus Tasks

As in previous years, the new focus tasks are active elements of the Management Strategy. This strategy both highlights established Partnership activities that address mobility and minimizes duplicative efforts. The 2003 focus tasks are summarized in the following table.

2003 Focus Tasks

Focus Task	Committee Oversight	Project Goals	Near Term Products (in 2003)
1. System Management and Operations Blueprint Builds on efforts featured as past focus tasks related to MTS Management Strategy	Through consultation with MTC and CMAs	<ul style="list-style-type: none"> • Blueprint will define vision and specific programs to improve management and operations. • Blueprint will inform development of 2005 RTP. 	<ul style="list-style-type: none"> • Develop consensus regarding and goals of a well managed system • Define programs and resources needed
2. Transportation Corridor Concept Reports (TCCR) & Traffic Operations Strategies (TOPS) (Caltrans lead) Builds on efforts featured as past focus tasks related to MTS Management Strategy	Through consultation with MTC and CMAs and Partnership Technical Advisory Committee (PTAC)	<ul style="list-style-type: none"> • Coordination & integration of long-range planning with near-term operational strategies. • Develop “ideal project sequencing” for all Bay Area Travel Corridors, integrating highway & transit infrastructure with an emphasis on HOV lanes, the Regional Express Bus System, and intermodal connections with transit. 	<ul style="list-style-type: none"> • Updated mapsets showing existing congestion and programmed, planned & blueprint/concept projects. • Continue to advance the “Corridor Ideal Sequencing Schematic” • Draft Corridor Reports to supplement technical graphics/maps.
3. San Mateo Bridge Reversible Lanes Feasibility Study Follow-up from Bay Crossings Study focus task	Through consultation with Caltrans District 4.	<ul style="list-style-type: none"> • Determine feasibility and cost of implementing a reversible lane on the San Mateo Bridge. 	<ul style="list-style-type: none"> • Final Report due by July 2003

Focus Task	Committee Oversight	Project Goals	Near Term Products (in 2003)
4. Regional Goods Movement Study New focus task	Study Executive Oversight Committee	<ul style="list-style-type: none"> • Inform development of the goods movement component of the 2005 RTP. • Provide local decision-makers with economic impact information for planning economic development strategies or making infrastructure, zoning and other land use decisions. • Prepare a common goods movement platform for MTC and its partners for TEA-21 reauthorization and the 2005 RTP. 	<ul style="list-style-type: none"> • Phase 1 report by July 2003 • Phase 2 report (currently unfunded) by September 2003
5. System Performance Monitoring – State of the System Report Continues past efforts featured in MTS performance measures focus tasks	Through consultation with partner agencies	<ul style="list-style-type: none"> • Publish annual report summarizing system performance. • Improve existing data on system performance by filling gaps and embracing data from emerging technologies. 	<ul style="list-style-type: none"> • 2003 State of the System Report (summer 2003) • 2003 vehicle and person counts at county screenlines (fall 2003) • 2003 bicycle and pedestrian count data at selected locations (fall 2003)
6. RTP Performance Measures Continues past efforts featured in MTS performance measures focus tasks	Joint P-TAC/MTC Advisory Council Committee on RTP Performance Measures	<ul style="list-style-type: none"> • Use performance measures to evaluate potential new Track 1 projects for the 2005 RTP (as required by SB 1492). 	<ul style="list-style-type: none"> • Project- performance measures and corridor objectives (June 2003) • Preliminary evaluation of candidate RTP projects (fall 2003)

Appendix A: Framework for Bay Area CMS Activities

Partner Plans & Programs CMS Components	Unifying Approach	Regional Transportation Plan (RTP) and the EIR - MTC -	Metropolitan Transportation System (MTS) Monitoring Program - Partnership -	Short Range Transit Plan (S RTP)_ - Transit Operators -
System Definition	MTS (highways, transit, intermodal transfer points) Updated with the RTP	MTS Regional Bicycle Network	MTS	Transit Systems
Performance Measures	Continue to explore and evaluate alternative performance measures through the Partnership	System level analysis (RTP EIR): average travel times, access to jobs, vehicle trips, VMT, vehicle emissions Project level analysis (2004 RTP): measures to be determined	Indicators of mobility and accessibility, safety and state of repair. Emphasis is on presenting information in one place in an easy-to-understand format	Ridership, service miles, service hours, cost per hour, on time performance, dependability, load factors, safety, accessibility, customer service/ information
Data Collection & System Monitoring	Use of all sources as available and as documented by the Data Integration Project	Caltrans and CMA observed traffic counts and speeds, transit ridership, ridesharing, census data, RIDES Commuter Profile, and MTC Personal Travel Survey	Use existing data collected by Caltrans, CHP, CMAs, transit operators, and MTC. Supplemental data collection to fill gaps.	National Transit Database (NTDB), State Controller's Report, MTC Reporting System, & performance audits
Identification of Proposed Strategies	Major Investment Studies, CMPs, SRTPs, GPs, Management Strategy	RTP goals and policies, local general planning processes, CMP CIPs, SRTPs	Occurs through other planning activities	RTP goals and policies, capital replacement plan, transit operator goals/ interpretation coordination program
Evaluation of Proposed Strategies	RTP financial element, EIRs for RTP, CMPS, Public Review Processes	RTP EIR, Partnership and public review processes; 2004 RTP project-evaluation Individual project dvpt. & review	Occurs through other planning activities	RTP EIR, Partnership and Public Review Processes Planning assessments of transit operators, multimodal fund programming process, project dvpt. & review, performance audits
Implementation of Proposed Strategies * Programming * Project delivery	RTIP/TIP Tip Monitoring Program	RTIP/TIP Tip Monitoring Program	Occurs through other planning activities	Transit operator capital & operating program, RTIP/TIP Monitoring, Productivity Improvement Program
Evaluation of the Effectiveness of Implemented Strategies	Analysis of expected impacts in RTP/CMP/S RTP forecasting.	RTP EIR - travel time and volume measures, transit use, hwy. delay, ridesharing	Effectiveness of some improvements will be evident in future State of the System Reports	RTP EIR, Productivity Improvement Program, Transit Planning Assessment,

	Process to evaluate observed impacts to be developed		MTC evaluates effectiveness of regional Customer service programs (TransLink®, traveler information, call boxes, etc.) in annual Project Performance Report	NTDB, performance audits
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SIP/ Bay Area Clean Air Plan - MTC/ BAAQMD -	Congestion Management Programs (CMPs) and Countywide Transpn Plans - CMAs -	Corridor Studies/ Major Investment Studies - Affected Partners -	Regional Airport System Plan - Bay Area Airports, MTC & ABAG -	San Francisco Bay Area Seaport Plan - Bay Area Seaports MTC & BCDC -
Air basin of regulation	CMP Systems (State Highways and major arterials) and/or MTS	Freeway, highway, and transit facilities and services in the corridor	All public use general aviation, air carrier and military aviation in the region	Public use and military seaports
Bay Area Air Quality Plan Standards: based on Federal and State Clear Air Acts including VMT, AVR, & emissions budgets	LOS as trigger to deficiencies for CMPs, multimodal measures must be used, proposing & evaluating projects. Performance measures in Countywide Plans	Developed based on regional and local transportation policies and needs	Peak hour, demand supply ratio, ground access	Tonnage and numbers of containers, berth requirements, measures of ground access (e.g. levels/ extent of congestion on major access routes)
Air quality monitoring, VMT, vehicle trips, speeds, occupancy rates, TCM status	CMP monitoring process, Caltrans Congestion Monitoring, CMA models, performance monitoring (optional)	Use of all available sources, including Caltrans, MCA, transit operators, and MTC data and modeling as available and applicable	MTC Air Passenger Survey, Caltrans Acoustic Counter, 5010 Inspections, Airport Manager's Report	Pacific Maritime Assoc. Annual Report, Port of Oakland statistics, Maritime Administration
Clean Air Plan	CIPs of each CMP and the Countywide Plans	Cooperative analysis of transportation conditions, problems and opportunities, roles and responsibilities for capital and operating improvements	Airport System Plan, Capital Improvement Program	Seaport Plan, Port Priority Use Areas and Marine Terminals Designation
RTP EIR, RTP conformity analysis, Clean Air Plan EIR	Countywide Plan modeling and evaluation, CMP-CIP & environ review processes, then through the RTP, and its EIR process Multimodal fund priority setting process, project dvpt. & review	Cooperative evaluation of proposed strategies Individual project dvpt. & review MIS guidelines	Airport Systems Plan Alternatives Evaluation	Military Base Evaluation process.
RTIP/TIP Transportation Control Measures	RTP/RTIP/TIP County sales tax programs	RTP/RTIP/TIP TIP Monitoring Program	Funding is through the FAA. ABAG monitors implementation through the Regional Clearinghouse	Seaport Plan, BCDC acts on permit applications. MTC monitors through CEQA documents
RTP/TIP conformity process for regional & corridor analysis, RTP EIR, & specific EIR &	Countywide and CMP modeling assesses impact of strategies on performance	RTP EIR - travel time and volume measures, transit use, hwy. delay,	RASP environmental study - includes aviation and ground access measures	SFBA Seaport Plan Environmental Assessment

res. 2270 process for individual, major projects	measures			
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THE BAY AREA PARTNERSHIP

TO: Partnership Technical Advisory Committee

Date: 3/17/03

FR: Valerie Knepper

RE: 2003 Congestion Management Program Guidance - Issues and Schedule

The 2003 Congestion Management Programs (CMPs) need to incorporate regional policies established in the 2001 Regional Transportation Plan (RTP). MTC will then make a finding of consistency with the RTP and adopt the 2004 Regional Transportation Improvement Program (RTIP) in November 2003. While we acknowledge that it is more than likely there will not be additional funds to program this year, the following is designed to bring MTC's CMP Guidance up-to-date.

The following issues may need to be addressed to varying degrees in the update to MTC's Guidance:

1. **Legislative change to CMP Statutes - Infill Opportunity Zones**

SB 1636, Figueroa, signed into law in September 2002, amends the CMP statutes to state the Legislature's intent to support infill housing and mixed use developments, particularly in proximity to transit and in downtowns. It specifically permits cities and counties to designate "infill opportunity zones" to encourage compact residential and mixed use development in proximity to transit. The local jurisdiction is permitted to either use alternative methods for determining a level of service standard for the zone, or to approve a list of mitigation options that include transit, pedestrian, and other alternative transportation programs. Infill opportunity zones may provide a valuable tool in continued land / use transportation coordination efforts by the CMAs.

2. **Safety** – the 2001 RTP incorporates a new goal of safety for system users.

3. **MTC Resolution 3434 (Regional Transit Expansion Plan)**. One of the key initiatives in the 2001 RTP is MTC Resolution 3434 (Regional Transit Expansion Plan), which establishes long-range regional priorities for transit expansion.

4. **TLC/HIP** - the regional commitment to the Transportation for Livable Communities / Housing Incentives Program (TLC/HIP) is expanded in the 2001 RTP, and includes a county TLC/HIP component.

5. The **Smart Growth Vision** and **Smart Growth Policies** were adopted by MTC as important components of the Smart Growth Strategy Regional Livability Footprint Project. In addition, MTC's Principles on Transportation/Land Use Integration look to the CMAs to play a stronger role in this area.

6. **Projections 03** - MTC will be using Projections 03, as adopted by the Association of Bay Area Governments (ABAG), as the basis for jobs and housing forecasts for the next RTP. While it would be advantageous for the CMPs to incorporate Projections 03, it is not required for a finding of consistency.
7. **Modeling Smart Growth at the Local Level** - MTC will be considering modeling practices to more fully incorporate the impact of dense mixed use developments on transportation demand, and will ask the Modeling Coordination Subcommittee to address this technical issue.

The current CMP statutes, as revised, are attached, with **bold underline** indicating the 2002 additions. The proposed schedule for the 2003 CMPs is shown below. Please feel free to contact me with questions or comments, at Vknepper@mtc.ca.gov or 510 464-7821.

Proposed 2003 CMP Review Schedule

Date	Event	Responsible Party
May/June 2003	Approval of 2003 CMP Guidance	MTC
July 31	Draft 2003 CMPs due to MTC	CMAs
August/September	Review of consistency of draft 2003 CMPs with the 2001 RTP	MTC staff
September 12	Status Report to Planning and Operations Committee (POC) on draft 2003 CMPs	MTC staff
October 15	Final 2003 CMPs due to MTC	CMAs
November 14	POC recommendations on consistency of 2003 CMPs with the 2001 RTP	Planning and Operations Committee (MTC)
November 26	MTC's Consistency Findings on 2003 CMPs	MTC
November 26	MTC's adoption of the 2004 Regional Transportation Improvement Program (RTIP)	MTC
December 1	MTC's submittal of the 2004 RTIP to the California Transportation Commission (CTC)	MTC

CALIFORNIA CODES

GOVERNMENT CODE

SECTION 65088-65089.10

65088. The Legislature finds and declares all of the following:

(a) Although California's economy is critically dependent upon transportation, its current transportation system relies primarily upon a street and highway system designed to accommodate far fewer vehicles than are currently using the system.

(b) California's transportation system is characterized by fragmented planning, both among jurisdictions involved and among the means of available transport.

(c) The lack of an integrated system and the increase in the number of vehicles are causing traffic congestion that each day results in 400,000 hours lost in traffic, 200 tons of pollutants released into the air we breathe, and three million one hundred thousand dollars (\$3,100,000) added costs to the motoring public.

(d) To keep California moving, all methods and means of transport between major destinations must be coordinated to connect our vital economic and population centers.

(e) In order to develop the California economy to its full potential, it is intended that federal, state, and local agencies join with transit districts, business, private and environmental interests to develop and implement comprehensive strategies needed to develop appropriate responses to transportation needs.

(f) In addition to solving California's traffic congestion crisis, rebuilding California's cities and suburbs, particularly with affordable housing and more walkable neighborhoods, is an important part of accommodating future increases in the state's population because homeownership is only now available to most Californians who are on the fringes of metropolitan areas and far from employment centers.

(g) The Legislature intends to do everything within its power to remove regulatory barriers around the development of infill housing, transit-oriented development, and mixed use commercial development in order to reduce regional traffic congestion and provide more housing choices for all Californians.

(h) The removal of regulatory barriers to promote infill housing, transit-oriented development, or mixed use commercial development does not preclude a city or county from holding a public hearing nor finding that an individual infill project would be adversely impacted by the surrounding environment or transportation patterns.

65088.1. As used in this chapter the following terms have the following meanings:

(a) Unless the context requires otherwise, "regional agency" means the agency responsible for preparation of the regional transportation improvement program.

(b) Unless the context requires otherwise, "agency" means the agency responsible for the preparation and adoption of the congestion management program.

(c) "Commission" means the California Transportation Commission.

(d) "Department" means the Department of Transportation.

(e) "Local jurisdiction" means a city, a county, or a city and

county.

(f) "Parking cash-out program" means an employer-funded program under which an employer offers to provide a cash allowance to an employee equivalent to the parking subsidy that the employer would otherwise pay to provide the employee with a parking space. "Parking subsidy" means the difference between the out-of-pocket amount paid by an employer on a regular basis in order to secure the availability of an employee parking space not owned by the employer and the price, if any, charged to an employee for use of that space.

A parking cash-out program may include a requirement that employee participants certify that they will comply with guidelines established by the employer designed to avoid neighborhood parking problems, with a provision that employees not complying with the guidelines will no longer be eligible for the parking cash-out program.

(g) "Infill opportunity zone" means a specific area designated by a city or county, pursuant to subdivision (c) of Section 65088.4, zoned for new compact residential or mixed use development within one-third mile of a site with an existing or future rail transit station, a ferry terminal served by either a bus or rail transit service, an intersection of at least two major bus routes, or within 300 feet of a bus rapid transit corridor, in counties with a population over 400,000. The mixed use development zoning shall consist of three or more land uses that facilitate significant human interaction in close proximity, with residential use as the primary land use supported by other land uses such as office, hotel, health care, hospital, entertainment, restaurant, retail, and service uses. The transit service shall have maximum scheduled headways of 15 minutes for at least 5 hours per day. A qualifying future rail station shall have broken ground on construction of the station and programmed operational funds to provide maximum scheduled headways of 15 minutes for at least 5 hours per day.

(h) "Interregional travel" means any trips that originate outside the boundary of the agency. A "trip" means a one-direction vehicle movement. The origin of any trip is the starting point of that trip.

A roundtrip consists of two individual trips.

(i) "Level of service standard" is a threshold that defines a deficiency on the congestion management program highway and roadway system which requires the preparation of a deficiency plan. It is the intent of the Legislature that the agency shall use all elements of the program to implement strategies and actions that avoid the creation of deficiencies and to improve multimodal mobility.

(j) "Multimodal" means the utilization of all available modes of travel that enhance the movement of people and goods, including, but not limited to, highway, transit, nonmotorized, and demand management strategies including, but not limited to, telecommuting. The availability and practicality of specific multimodal systems, projects, and strategies may vary by county and region in accordance with the size and complexity of different urbanized areas.

(k) "Performance measure" is an analytical planning tool that is used to quantitatively evaluate transportation improvements and to assist in determining effective implementation actions, considering all modes and strategies. Use of a performance measure as part of the program does not trigger the requirement for the preparation of deficiency plans.

(1) "Urbanized area" has the same meaning as is defined in the 1990 federal census for urbanized areas of more than 50,000 population.

(m) "Bus rapid transit corridor" means a bus service that includes at least four of the following attributes:

- (1) Coordination with land use planning.
- (2) Exclusive right-of-way.
- (3) Improved passenger boarding facilities.
- (4) Limited stops.
- (5) Passenger boarding at the same height as the bus.
- (6) Prepaid fares.
- (7) Real-time passenger information.
- (8) Traffic priority at intersections.
- (9) Signal priority.
- (10) Unique vehicles.

65088.3. This chapter does not apply in a county in which a majority of local governments, collectively comprised of the city councils and the county board of supervisors, which in total also represent a majority of the population in the county, each adopt resolutions electing to be exempt from the congestion management program.

65088.4. (a) It is the intent of the Legislature to balance the need for level of service standards for traffic with the need to build infill housing and mixed use commercial developments within walking distance of mass transit facilities, downtowns, and town centers and to provide greater flexibility to local governments to balance these sometimes competing needs.

(b) Notwithstanding any other provision of law, level of service standards described in Section 65089 shall not apply to the streets and highways within an infill opportunity zone. The city or county shall do either of the following:

(1) Include these streets and highways under an alternative areawide level of service standard or multimodal composite or personal level of service standard that takes into account both of the following:

(A) The broader benefits of regional traffic congestion reduction by siting new residential development within walking distance of, and no more than one-third mile from, mass transit stations, shops, and services, in a manner that reduces the need for long vehicle commutes and improves the jobs-housing balance.

(B) Increased use of alternative transportation modes, such as mass transit, bicycling, and walking.

(2) Approve a list of flexible level of service mitigation options that includes roadway expansion and investments in alternate modes of transportation that may include, but are not limited to, transit infrastructure, pedestrian infrastructure, and ridesharing, vanpool, or shuttle programs.

(c) The city or county may designate an infill opportunity zone by adopting a resolution after determining that the infill opportunity zone is consistent with the general plan and any applicable specific plan. A city or county may not designate an infill opportunity zone after December 31, 2009.

(d) The city or county in which the infill opportunity zone is located shall ensure that a development project shall be completed

within the infill opportunity zone not more than four years after the date on which the city or county adopted its resolution pursuant to subdivision (c). If no development project is completed within an infill opportunity zone by the time limit imposed by this subdivision, the infill opportunity zone shall automatically terminate.

65088.5. Congestion management programs, if prepared by county transportation commissions and transportation authorities created pursuant to Division 12 (commencing with Section 130000) of the Public Utilities Code, shall be used by the regional transportation planning agency to meet federal requirements for a congestion management system, and shall be incorporated into the congestion management system.

65089. (a) A congestion management program shall be developed, adopted, and updated biennially, consistent with the schedule for adopting and updating the regional transportation improvement program, for every county that includes an urbanized area, and shall include every city and the county. The program shall be adopted at a noticed public hearing of the agency. The program shall be developed in consultation with, and with the cooperation of, the transportation planning agency, regional transportation providers, local governments, the department, and the air pollution control district or the air quality management district, either by the county transportation commission, or by another public agency, as designated by resolutions adopted by the county board of supervisors and the city councils of a majority of the cities representing a majority of the population in the incorporated area of the county.

(b) The program shall contain all of the following elements:

(1) (A) Traffic level of service standards established for a system of highways and roadways designated by the agency. The highway and roadway system shall include at a minimum all state highways and principal arterials. No highway or roadway designated as a part of the system shall be removed from the system. All new state highways and principal arterials shall be designated as part of the system, except when it is within an infill opportunity zone. Level of service (LOS) shall be measured by Circular 212, by the most recent version of the Highway Capacity Manual, or by a uniform methodology adopted by the agency that is consistent with the Highway Capacity Manual. The determination as to whether an alternative method is consistent with the Highway Capacity Manual shall be made by the regional agency, except that the department instead shall make this determination if either (i) the regional agency is also the agency, as those terms are defined in Section 65088.1, or (ii) the department is responsible for preparing the regional transportation improvement plan for the county.

(B) In no case shall the LOS standards established be below the level of service E or the current level, whichever is farthest from level of service A except when the area is in an infill opportunity zone. When the level of service on a segment or at an intersection fails to attain the established level of service standard outside an infill opportunity zone, a deficiency plan shall be adopted pursuant to Section 65089.4.

(2) A performance element that includes performance measures to evaluate current and future multimodal system performance for the movement of people and goods. At a minimum, these performance

measures shall incorporate highway and roadway system performance, and measures established for the frequency and routing of public transit, and for the coordination of transit service provided by separate operators. These performance measures shall support mobility, air quality, land use, and economic objectives, and shall be used in the development of the capital improvement program required pursuant to paragraph (5), deficiency plans required pursuant to Section 65089.4, and the land use analysis program required pursuant to paragraph (4).

(3) A travel demand element that promotes alternative transportation methods, including, but not limited to, carpools, vanpools, transit, bicycles, and park-and-ride lots; improvements in the balance between jobs and housing; and other strategies, including, but not limited to, flexible work hours, telecommuting, and parking management programs. The agency shall consider parking cash-out programs during the development and update of the travel demand element.

(4) A program to analyze the impacts of land use decisions made by local jurisdictions on regional transportation systems, including an estimate of the costs associated with mitigating those impacts. This program shall measure, to the extent possible, the impact to the transportation system using the performance measures described in paragraph (2). In no case shall the program include an estimate of the costs of mitigating the impacts of interregional travel. The program shall provide credit for local public and private contributions to improvements to regional transportation systems. However, in the case of toll road facilities, credit shall only be allowed for local public and private contributions which are unreimbursed from toll revenues or other state or federal sources. The agency shall calculate the amount of the credit to be provided. The program defined under this section may require implementation through the requirements and analysis of the California Environmental Quality Act, in order to avoid duplication.

(5) A seven-year capital improvement program, developed using the performance measures described in paragraph (2) to determine effective projects that maintain or improve the performance of the multimodal system for the movement of people and goods, to mitigate regional transportation impacts identified pursuant to paragraph (4).

The program shall conform to transportation-related vehicle emission air quality mitigation measures, and include any project that will increase the capacity of the multimodal system. It is the intent of the Legislature that, when roadway projects are identified in the program, consideration be given for maintaining bicycle access and safety at a level comparable to that which existed prior to the improvement or alteration. The capital improvement program may also include safety, maintenance, and rehabilitation projects that do not enhance the capacity of the system but are necessary to preserve the investment in existing facilities.

(c) The agency, in consultation with the regional agency, cities, and the county, shall develop a uniform data base on traffic impacts for use in a countywide transportation computer model and shall approve transportation computer models of specific areas within the county that will be used by local jurisdictions to determine the quantitative impacts of development on the circulation system that are based on the countywide model and standardized modeling assumptions and conventions. The computer models shall be consistent with the modeling methodology adopted by the regional planning

agency. The data bases used in the models shall be consistent with the data bases used by the regional planning agency. Where the regional agency has jurisdiction over two or more counties, the data bases used by the agency shall be consistent with the data bases used by the regional agency.

(d) (1) The city or county in which a commercial development will implement a parking cash-out program that is included in a congestion management program pursuant to subdivision (b), or in a deficiency plan pursuant to Section 65089.4, shall grant to that development an appropriate reduction in the parking requirements otherwise in effect for new commercial development.

(2) At the request of an existing commercial development that has implemented a parking cash-out program, the city or county shall grant an appropriate reduction in the parking requirements otherwise applicable based on the demonstrated reduced need for parking, and the space no longer needed for parking purposes may be used for other appropriate purposes.

(e) Pursuant to the federal Intermodal Surface Transportation Efficiency Act of 1991 and regulations adopted pursuant to the act, the department shall submit a request to the Federal Highway Administration Division Administrator to accept the congestion management program in lieu of development of a new congestion management system otherwise required by the act.

65089.1. (a) For purposes of this section, "plan" means a trip reduction plan or a related or similar proposal submitted by an employer to a local public agency for adoption or approval that is designed to facilitate employee ridesharing, the use of public transit, and other means of travel that do not employ a single-occupant vehicle.

(b) An agency may require an employer to provide rideshare data bases; an emergency ride program; a preferential parking program; a transportation information program; a parking cash-out program, as defined in subdivision (f) of Section 65088.1; a public transit subsidy in an amount to be determined by the employer; bicycle parking areas; and other noncash value programs which encourage or facilitate the use of alternatives to driving alone. An employer may offer, but no agency shall require an employer to offer, cash, prizes, or items with cash value to employees to encourage participation in a trip reduction program as a condition of approving a plan.

(c) Employers shall provide employees reasonable notice of the content of a proposed plan and shall provide the employees an opportunity to comment prior to submittal of the plan to the agency for adoption.

(d) Each agency shall modify existing programs to conform to this section not later than June 30, 1995. Any plan adopted by an agency prior to January 1, 1994, shall remain in effect until adoption by the agency of a modified plan pursuant to this section.

(e) Employers may include disincentives in their plans that do not create a widespread and substantial disproportionate impact on ethnic or racial minorities, women, or low-income or disabled employees.

(f) This section shall not be interpreted to relieve any employer of the responsibility to prepare a plan that conforms with trip reduction goals specified in Division 26 (commencing with Section 39000) of the Health and Safety Code, or the Clean Air Act (42 U.S.C.

Sec. 7401 et seq.).

(g) This section only applies to agencies and employers within the South Coast Air Quality Management District.

65089.2. (a) Congestion management programs shall be submitted to the regional agency. The regional agency shall evaluate the consistency between the program and the regional transportation plans required pursuant to Section 65080. In the case of a multicounty regional transportation planning agency, that agency shall evaluate the consistency and compatibility of the programs within the region.

(b) The regional agency, upon finding that the program is consistent, shall incorporate the program into the regional transportation improvement program as provided for in Section 65082. If the regional agency finds the program is inconsistent, it may exclude any project in the congestion management program from inclusion in the regional transportation improvement program.

(c) (1) The regional agency shall not program any surface transportation program funds and congestion mitigation and air quality funds pursuant to Section 182.6 and 182.7 of the Streets and Highways Code in a county unless a congestion management program has been adopted by December 31, 1992, as required pursuant to Section 65089. No surface transportation program funds or congestion mitigation and air quality funds shall be programmed for a project in a local jurisdiction that has been found to be in nonconformance with a congestion management program pursuant to Section 65089.5 unless the agency finds that the project is of regional significance.

(2) Notwithstanding any other provision of law, upon the designation of an urbanized area, pursuant to the 1990 federal census or a subsequent federal census, within a county which previously did not include an urbanized area, a congestion management program as required pursuant to Section 65089 shall be adopted within a period of 18 months after designation by the Governor.

(d) (1) It is the intent of the Legislature that the regional agency, when its boundaries include areas in more than one county, should resolve inconsistencies and mediate disputes which arise between agencies related to congestion management programs adopted for those areas.

(2) It is the further intent of the Legislature that disputes which may arise between regional agencies, or agencies which are not within the boundaries of a multicounty regional transportation planning agency, should be mediated and resolved by the Secretary of Business, Housing and Transportation Agency, or an employee of that agency designated by the secretary, in consultation with the air pollution control district or air quality management district within whose boundaries the regional agency or agencies are located.

(e) At the request of the agency, a local jurisdiction that owns, or is responsible for operation of, a trip-generating facility in another county shall participate in the congestion management program of the county where the facility is located. If a dispute arises involving a local jurisdiction, the agency may request the regional agency to mediate the dispute through procedures pursuant to subdivision (d) of Section 65089.2. Failure to resolve the dispute does not invalidate the congestion management program.

65089.3. The agency shall monitor the implementation of all

elements of the congestion management program. The department is responsible for data collection and analysis on state highways, unless the agency designates that responsibility to another entity. The agency may also assign data collection and analysis responsibilities to other owners and operators of facilities or services if the responsibilities are specified in its adopted program. The agency shall consult with the department and other affected owners and operators in developing data collection and analysis procedures and schedules prior to program adoption. At least biennially, the agency shall determine if the county and cities are conforming to the congestion management program, including, but not limited to, all of the following:

(a) Consistency with levels of service standards, except as provided in Section 65089.4.

(b) Adoption and implementation of a program to analyze the impacts of land use decisions, including the estimate of the costs associated with mitigating these impacts.

(c) Adoption and implementation of a deficiency plan pursuant to Section 65089.4 when highway and roadway level of service standards are not maintained on portions of the designated system.

65089.4. (a) A local jurisdiction shall prepare a deficiency plan when highway or roadway level of service standards are not maintained on segments or intersections of the designated system. The deficiency plan shall be adopted by the city or county at a noticed public hearing.

(b) The agency shall calculate the impacts subject to exclusion pursuant to subdivision (f) of this section, after consultation with the regional agency, the department, and the local air quality management district or air pollution control district. If the calculated traffic level of service following exclusion of these impacts is consistent with the level of service standard, the agency shall make a finding at a publicly noticed meeting that no deficiency plan is required and so notify the affected local jurisdiction.

(c) The agency shall be responsible for preparing and adopting procedures for local deficiency plan development and implementation responsibilities, consistent with the requirements of this section. The deficiency plan shall include all of the following:

(1) An analysis of the cause of the deficiency. This analysis shall include the following:

(A) Identification of the cause of the deficiency.

(B) Identification of the impacts of those local jurisdictions within the jurisdiction of the agency that contribute to the deficiency. These impacts shall be identified only if the calculated traffic level of service following exclusion of impacts pursuant to subdivision (f) indicates that the level of service standard has not been maintained, and shall be limited to impacts not subject to exclusion.

(2) A list of improvements necessary for the deficient segment or intersection to maintain the minimum level of service otherwise required and the estimated costs of the improvements.

(3) A list of improvements, programs, or actions, and estimates of costs, that will (A) measurably improve multimodal performance, using measures defined in paragraphs (1) and (2) of subdivision (b) of Section 65089, and (B) contribute to significant improvements in air quality, such as improved public transit service and facilities, improved nonmotorized transportation facilities, high occupancy

vehicle facilities, parking cash-out programs, and transportation control measures. The air quality management district or the air pollution control district shall establish and periodically revise a list of approved improvements, programs, and actions that meet the scope of this paragraph. If an improvement, program, or action on the approved list has not been fully implemented, it shall be deemed to contribute to significant improvements in air quality. If an improvement, program, or action is not on the approved list, it shall not be implemented unless approved by the local air quality management district or air pollution control district.

(4) An action plan, consistent with the provisions of Chapter 5 (commencing with Section 66000), that shall be implemented, consisting of improvements identified in paragraph (2), or improvements, programs, or actions identified in paragraph (3), that are found by the agency to be in the interest of the public health, safety, and welfare. The action plan shall include a specific implementation schedule. The action plan shall include implementation strategies for those jurisdictions that have contributed to the cause of the deficiency in accordance with the agency's deficiency plan procedures. The action plan need not mitigate the impacts of any exclusions identified in subdivision (f).

Action plan strategies shall identify the most effective implementation strategies for improving current and future system performance.

(d) A local jurisdiction shall forward its adopted deficiency plan to the agency within 12 months of the identification of a deficiency. The agency shall hold a noticed public hearing within 60 days of receiving the deficiency plan. Following that hearing, the agency shall either accept or reject the deficiency plan in its entirety, but the agency may not modify the deficiency plan. If the agency rejects the plan, it shall notify the local jurisdiction of the reasons for that rejection, and the local jurisdiction shall submit a revised plan within 90 days addressing the agency's concerns. Failure of a local jurisdiction to comply with the schedule and requirements of this section shall be considered to be nonconformance for the purposes of Section 65089.5.

(e) The agency shall incorporate into its deficiency plan procedures, a methodology for determining if deficiency impacts are caused by more than one local jurisdiction within the boundaries of the agency.

(1) If, according to the agency's methodology, it is determined that more than one local jurisdiction is responsible for causing a deficient segment or intersection, all responsible local jurisdictions shall participate in the development of a deficiency plan to be adopted by all participating local jurisdictions.

(2) The local jurisdiction in which the deficiency occurs shall have lead responsibility for developing the deficiency plan and for coordinating with other impacting local jurisdictions. If a local jurisdiction responsible for participating in a multi-jurisdictional deficiency plan does not adopt the deficiency plan in accordance with the schedule and requirements of paragraph (a) of this section, that jurisdiction shall be considered in nonconformance with the program for purposes of Section 65089.5.

(3) The agency shall establish a conflict resolution process for addressing conflicts or disputes between local jurisdictions in meeting the multi-jurisdictional deficiency plan responsibilities of this section.

(f) The analysis of the cause of the deficiency prepared pursuant to paragraph (1) of subdivision (c) shall exclude the following:

- (1) Interregional travel.
- (2) Construction, rehabilitation, or maintenance of facilities that impact the system.
- (3) Freeway ramp metering.
- (4) Traffic signal coordination by the state or multi-jurisdictional agencies.
- (5) Traffic generated by the provision of low-income and very low income housing.
- (6) (A) Traffic generated by high-density residential development located within one-fourth mile of a fixed rail passenger station, and

(B) Traffic generated by any mixed use development located within one-fourth mile of a fixed rail passenger station, if more than half of the land area, or floor area, of the mixed use development is used for high density residential housing, as determined by the agency.

(g) For the purposes of this section, the following terms have the following meanings:

(1) "High density" means residential density development which contains a minimum of 24 dwelling units per acre and a minimum density per acre which is equal to or greater than 120 percent of the maximum residential density allowed under the local general plan and zoning ordinance. A project providing a minimum of 75 dwelling units per acre shall automatically be considered high density.

(2) "Mixed use development" means development which integrates compatible commercial or retail uses, or both, with residential uses, and which, due to the proximity of job locations, shopping opportunities, and residences, will discourage new trip generation.

65089.5. (a) If, pursuant to the monitoring provided for in Section 65089.3, the agency determines, following a noticed public hearing, that a city or county is not conforming with the requirements of the congestion management program, the agency shall notify the city or county in writing of the specific areas of nonconformance. If, within 90 days of the receipt of the written notice of nonconformance, the city or county has not come into conformance with the congestion management program, the governing body of the agency shall make a finding of nonconformance and shall submit the finding to the commission and to the Controller.

(b) (1) Upon receiving notice from the agency of nonconformance, the Controller shall withhold apportionments of funds required to be apportioned to that nonconforming city or county by Section 2105 of the Streets and Highways Code.

(2) If, within the 12-month period following the receipt of a notice of nonconformance, the Controller is notified by the agency that the city or county is in conformance, the Controller shall allocate the apportionments withheld pursuant to this section to the city or county.

(3) If the Controller is not notified by the agency that the city or county is in conformance pursuant to paragraph (2), the Controller shall allocate the apportionments withheld pursuant to this section to the agency.

(c) The agency shall use funds apportioned under this section for projects of regional significance which are included in the capital improvement program required by paragraph (5) of subdivision (b) of Section 65089, or in a deficiency plan which has been adopted by the

agency. The agency shall not use these funds for administration or planning purposes.

65089.6. Failure to complete or implement a congestion management program shall not give rise to a cause of action against a city or county for failing to conform with its general plan, unless the city or county incorporates the congestion management program into the circulation element of its general plan.

65089.7. A proposed development specified in a development agreement entered into prior to July 10, 1989, shall not be subject to any action taken to comply with this chapter, except actions required to be taken with respect to the trip reduction and travel demand element of a congestion management program pursuant to paragraph (3) of subdivision (b) of Section 65089.

65089.9. The study steering committee established pursuant to Section 6 of Chapter 444 of the Statutes of 1992 may designate at least two congestion management agencies to participate in a demonstration study comparing multimodal performance standards to highway level of service standards. The department shall make available, from existing resources, fifty thousand dollars (\$50,000) from the Transportation Planning and Development Account in the State Transportation Fund to fund each of the demonstration projects. The designated agencies shall submit a report to the Legislature not later than June 30, 1997, regarding the findings of each demonstration project.

65089.10. Any congestion management agency that is located in the Bay Area Air Quality Management District and receives funds pursuant to Section 44241 of the Health and Safety Code for the purpose of implementing paragraph (3) of subdivision (b) of Section 65089 shall ensure that those funds are expended as part of an overall program for improving air quality and for the purposes of this chapter.